

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

SAMI ARIM, et al.,

No. C 11-01544 LB

Plaintiffs,

ORDER TO SHOW CAUSE

v.

FIRST HORIZON HOME LOANS, et al.,

Defendants.

On March 30, 2011, Plaintiffs Sami Arim and Luciana Arim filed a complaint against Defendants First Horizon Home Loans, First Tennessee Bank, N.A., and Assured Lender Services. Complaint, ECF No. 1.¹ The Clerk issued a summons as to each Defendant on April 1, 2011. *See* Clerks Notice, ECF No. 3.

On May 11, 2011 and again on August 19, 2011, the Clerk requested Plaintiffs consent or decline to proceed before a United States Magistrate Judge. *See* ECF Nos. 4-5. Plaintiffs did not respond to the clerk's notices. Nor have plaintiffs filed any evidence that they have served any Defendant within the 120-day time period provided by Federal Rule of Civil Procedure 4(m).

On September 13, 2012, the court ordered Plaintiffs to show cause by October 1, 2012, why the court should not dismiss this action for failure to prosecute. *See*, ECF No. 9. On September 18 and 25, 2012, the USPS returned the court's letters as undeliverable. ECF Nos. 10-11. On October 2,

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronically-generated page number at the top of the document.

1 2012, the court reached Plaintiff Sammi Arim at the telephone number listed on the docket. Mr.
2 Arim provided the court with updated address information for both Plaintiffs.

3 Accordingly, Plaintiffs are **HEREBY ORDERED TO SHOW CAUSE** why the court should
4 not dismiss Defendants First Horizon Home Loans, First Tennessee Bank, N.A., and Assured Lender
5 Services with prejudice for failure to prosecute. Plaintiffs shall file a response to this order to show
6 cause by November 1, 2012. If the court does not receive Plaintiffs' response by November 1, 2012,
7 it will reassign the matter to a United States District Court Judge who may dismiss Plaintiffs'
8 complaint without further notice.

9 **IT IS SO ORDERED.**

10 Dated: October 2, 2012



11 LAUREL BEELER
12 United States Magistrate Judge
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